Senate Bill No. 1626

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Passed the Senate August 23, 2006

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Secretary of the Senate

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Passed the Assembly August 14, 2006

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Chief Clerk of the Assembly

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This bill was received by the Governor this _____ day

of _____, 2006, at _____ o'clock ___м.

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Private Secretary of the Governor

CHAPTER _____

An act to amend Section 790 of the Welfare and Institutions Code, relating to juvenile crime.

SB 1626, Ashburn. Juvenile crime.

Existing juvenile law, enacted by Proposition 21 of the 2000 statewide primary election, provides that if a minor consents and waives his or her right to a speedy jurisdictional hearing, the court may refer the case to the probation department or summarily grant deferred entry of judgment if the minor admits the charges in the petition and waives time for the pronouncement of the judgment and meets other eligibility criteria. This provision does not apply if the minor has committed any one of various, specified serious or violent offenses.

Existing law provides that, upon the agreement of the prosecuting attorney, the public defender or the minor's private defense attorney, and the presiding judge of the juvenile court or his or her designee, the procedure for deferred entry of judgment shall be completed as soon as possible after the initial filing of the petition. If they do not agree, existing law requires that the minor's case be heard according to procedures generally governing juvenile cases.

The bill would delete the latter provisions described above requiring the agreement of the attorneys and the judge and would instead provide that upon a finding that a minor is suitable for deferred entry of judgment and would benefit from education, treatment, and rehabilitation efforts, the court may grant deferred entry of judgment. The bill would require the court to make findings on the record that a minor is appropriate for deferred entry of judgment in any case in which it is granted. Because the bill would amend an initiative statute, it would require a ⅔ vote.

The people of the State of California do enact as follows:

SECTION 1. Section 790 of the Welfare and Institutions Code is amended to read:

790. (a) Notwithstanding Section 654 or 654.2, or any other provision of law, this article shall apply whenever a case is before the juvenile court for a determination of whether a minor is a person described in Section 602 because of the commission of a felony offense, if all of the following circumstances apply:

(1) The minor has not previously been declared to be a ward of the court for the commission of a felony offense.

(2) The offense charged is not one of the offenses enumerated in subdivision (b) of Section 707.

(3) The minor has not previously been committed to the custody of the Youth Authority.

(4) The minor's record does not indicate that probation has ever been revoked without being completed.

(5) The minor is at least 14 years of age at the time of the hearing.

(6) The minor is eligible for probation pursuant to Section 1203.06 of the Penal Code.

(b) The prosecuting attorney shall review his or her file to determine whether or not paragraphs (1) to (6), inclusive, of subdivision (a) apply. If the minor is found eligible for deferred entry of judgment, the prosecuting attorney shall file a declaration in writing with the court or state for the record the grounds upon which the determination is based, and shall make this information available to the minor and his or her attorney. Upon a finding that the minor is also suitable for deferred entry of judgment and would benefit from education, treatment, and rehabilitation efforts, the court may grant deferred entry of judgment. Under this procedure, the court may set the hearing for deferred entry of judgment at the initial appearance under Section 657. The court shall make findings on the record that a minor is appropriate for deferred entry of judgment pursuant to this article in any case where deferred entry of judgment is granted.

Approved _____, 2006

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Governor